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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO: 24459 of 2003

Between:

Y.Indira, d/o Y.Subba Rao
R/o Vuyyuru, Krishna District.

... PETITIONER

AND

- 1 The Government of A.P., rep., by the Secretary,
Education Department, Secretariat, Hyderabad.
- 2 The Commissioner of School Education, A.P., Hyderabad.
- 3 The Regional Joint Director of School Education, Kakinada, East

Godavari District.

- 4 The District Education Officer, Machilipatnam, Krishna District.
- 5 The Chairman and Convenor and Head Masters for School

Education Committee, C.B.M. (aided) Girls, High School,

Vuyyuru, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction particularly in the nature of writ of mandamus or any other appropriate writ, directing the respondents to regularize the services of the petitioner in the post of Secondary Grade Assistant with effect from 20-8-1998, with all consequential benefits such as arrears of salary, service and other benefits.

Counsel for the Petitioner: MR.V.R.AVULA

Counsel for the Respondents 1 to 4: GP FOR EDUCATION

Counsel for the Respondent No.5: None appeared.

The Court, at the admission stage, made the following:

ORDER:

Heard both sides.

2. Petitioner herein, who is working as Secondary Grade Assistant with the 5th respondent, files this writ petition, *inter alia*, seeking a Mandamus to regularize her services in the said post with effect from 20-08-1998 with all other benefits. The case of the petitioner is that having regard to the appointment made after following the due procedure, she has been working to the utmost satisfaction of the respondents herein and before that; petitioner's appointment on 20-08-1998 had been made against a clear vacancy caused by the retirement of one Smt. Grace Vimala and therefore, her appointment, made under a clear vacancy calls for due regularization of services. In spite of the same, her case has not been considered; therefore she filed a representation dated 12-01-2000 in this regard and the same is still kept pending.

3. In the counter affidavit filed by the respondents herein, though several contentions are sought to be urged, it is stated that the matter is pending before the Government in terms of the proceedings which have already been issued in letter Rc.No.447/D5/2003, dated 30-08-2004 from the District Educational Officer, Krishna, Machilipatnam in turn to the commissioner and Director of School Education, A.P., Hyderabad and thereafter the matter has now landed with the Government.

4. Having regard to the submissions made on either side and on perusal on the material on record, it is seen that the main grievance being one for regularization of the petitioner's services and the very issue being in consideration before the first respondent herein, it is not necessary to go into the merits of the case either way. It would suffice in the interests of justice to direct the first respondent, Government to consider the petitioner's case and dispose it of on merits in accordance with law. The entire exercise shall be

done as expeditiously as possible, in any case, within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

B. PRAKASH RAO, J

February 1, 2005

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

- 1 The Secretary, Education Department, Government of A.P., Secretariat, Hyderabad.
- 2 The Commissioner of School Education, A.P., Hyderabad.
- 3 The Regional Joint Director of School Education, Kakinada, East

Godavari District.

- 4 The District Education Offricer, Machilipatnam, Krishna District.
- 5 The Chairman and Convenor and Head Mistrs for School

Education Committee, C.B.M. (aided) Girls, High School,

Vuyyuru, Krishna District.

- 6 Two C.C. s to the G.P. for Education, High Court Buildings,

Hyderabad (OUT)

- 7 Two C.D. Copies.